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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,097	11/29/2000	Noriaki Yada	1083.1078/JDH	8752
21171	7590	04/28/2006	EXAMINER RUDY, ANDREW J	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/725,097	<b>Applicant(s)</b> YADA, NORIAKI	
	<b>Examiner</b> Andrew Joseph Rudy	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18, 20-24 and 29 is/are pending in the application.
- 4a) Of the above claim(s) 5-16 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 17, 18, 21-24 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-18, 20-24 and 29 in the reply filed on January 30, 2006 is acknowledged.
2. Claims 5-16 and 20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: These claims are directed to a separate species/invention. These claims were withdrawn, without traverse, from consideration in the reply filed July 23, 2004.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 5-16 and 20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Specification***

3. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

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The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

4. The abstract of the disclosure is objected to because it does not reflect the present claim language. Also, acronyms must have proper identification alongside thereof. Correction is required. See MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-4, 17-19, 21-24 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3, "storage means" does not have clear support in the descriptive portion of the specification, nor in the drawing figures.

Claim 1, lines 3-4, "asset identifying information" does not have clear support in the descriptive portion of the specification, nor in the drawing figures.

Claim 1, line 4, "node identifying information" does not have clear support in the descriptive portion of the specification, nor in the drawing figures.

Claim 1, lines 6-10, "determining means . . . to the asset" does not have clear support in the descriptive portion of the specification, nor in the drawing figures.

Claim 1, line 11, "gathering means" does not have clear support in the descriptive portion of the specification, nor in the drawing figures.

Claim 1, line 19, "updating means" does not have clear support in the descriptive portion of the specification, nor in the drawing figures.

Claim 17, line 3, "a storage medium" does not have clear support in the descriptive portion of the specification, nor in the drawing figures.

Claim 17, line 6, "a controller" does not have clear support in the descriptive portion of the specification, nor in the drawing figures.

Claim 17, lines 7-10, "determining . . . to the asset" does not have clear support in the descriptive portion of the specification, nor in the drawing figures.

Claim 17, lines 11-16, "gathering . . . to the asset" does not have clear support in the descriptive portion of the specification, nor in the drawing figures.

Claim 17, lines 18-21, "comparing the gathered . . . information" does not have clear support in the descriptive portion of the specification, nor in the drawing figures.

Claims 18, 19 and 29 each contain similar issues as listed above.

Clarification is required for each of the enumerated items listed above. Detailed particular support in the descriptive portion of the specification/drawing must be presented to obviate this rejection.

The Examiner is cognizant of Applicant's March 16, 2005 Response addressing similar matters. However, upon further review, it is not clear what particularly constitutes the various claimed elements.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim s 1-4, 17-19, 21-24 and 29, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikurak, US 6,606,744, in view of Watson, US, 6,581,045.

Mikurak discloses storage means, gathering means, e.g. 4504, 9300, interactive mediums, and updating means for comparing storage contents of the storage means, e.g. 4708, 5602, 7008, an Intelligent Administrator (IA), and a network node manager, e.g. 4608, 4614.

Watson discloses, e.g. Fig. 12, an asset manager where storage data is modified.


To have provided modified data in the asset manager of Mikurak would have been obvious to one of ordinary skill in the art in view of Watson. The motivation for having done such would have been the alteration of common knowledge storage data.

Applicant's September 20, 2005 REMARKS have been reviewed, but are moot in light of the new grounds of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrew Joseph Rudy  
Primary Examiner  
Art Unit 3627